

REMARKS

This Amendment is filed in response to the Final Office Action mailed on August 14, 2008, and the Advisory Action mailed on December 9, 2008, and is herewith filed with a Request for Continuing Examination. All objections and rejections are respectfully traversed.

Claims 1-2, 4-12, 14, 25-33 are in the case.

Summary of Examiner Interview

Applicant thanks the Examiner for the Interview held on January 12, 2009, where the amendments to claim 1 were discussed. In the event that the Examiner deems personal contact desirable in disposition of this case, the Examiner is encouraged to call the undersigned attorney at (617) 951-3067.

Claim Rejections – 35 USC § 103

At paragraph 2 of the Office Action, claims 1-2, 4-12, 14, and 25-33 were rejected under 35 U.S.C. §103 as being patentable over Jaskiewicz, U.S. Patent No. 5,257,418 hereinafter Jaskiewicz.

Applicant's claimed invention, as set forth in representative claim 1, comprises in part:

1. A glove with a protective pad assembly, comprising:
a base layer that extends over a user's palm and encircles a user's thumb to protect a user's hand to which protective layers are to be applied, the base layer including loop fasteners on an outwardly facing surface to provide a soft surface and allow placement of a plurality of protective layers in any location on the outwardly facing surface; and
the plurality of protective layers consist of protective material with hook fasteners on a first side and loop fasteners on a second surface, the respective layers of the plurality of protective layers being

smaller than the base layer and sized to cover regions of the base layer that correspond to an injury to a median nerve, the user's thumb, or bones or joints covered by the glove, the plurality of layers being arranged relative to the base layer to provide a selected number of protective layers to selected locations that correspond to the injury to the median nerve, the user's thumb, or bones or joints covered by the glove, ***the protective layers being configured to fasten to the base layer by a first side of a first protective layer fastening to the loop fastener on the base layer and a second side of the first protective layer attaching to a first side of a second protective layer to provide at a given selected location the protection of at least two protective layers attached to the base layer and to provide at any other selected locations as needed the protection of the same or a different number of layers.***

By way of background, Jaskiewicz discloses two embodiments for a glove that protects a user using air pockets. The first embodiment includes a glove with one or more permanently stitched pockets that are filled with air using a pump that is embedded in the wrist of the glove. The second embodiment includes a plurality of air compartments prefilled with air that are attached in a single layer to the palm of the glove. The plurality of air compartments can be attached by Velcro to different locations on the palm.

Applicant respectfully urges that Jaskiewicz does not teach or suggest Applicant's claimed novel ***the plurality of protective layers consist of protective material with hook fasteners on a first side and loop fasteners on a second surface ... the protective layers being configured to fasten to the base layer by a first side of a first protective layer fastening to the loop fastener on the base layer and a second side of the first protective layer attaching to a first side of a second protective layer to provide at a given selected location the protection of at least two protective layers attached to the base layer and to provide at any other selected locations as needed the protection of the same or a different number of layers.*** In further detail, Applicant's claimed invention is to a glove that allows a user to apply multiple layers of protective layers (padding) to selected locations on the user's hand corresponding to an injury to the user's hand. The selected location may be the median nerve or the user's thumb. The user can adjust the number of protec-

tive layers that are applied at particular locations. For example, just after an injury to a user's median nerve, a user may apply three protective layers on top of the base layer corresponding to the location of the median nerve. As the injury heals, the user may apply just two protective layers to the base layer corresponding to the median nerve. Additionally, if a user injures two locations on a hand, the user can apply different numbers of protective layers to the respective injuries based on what the user finds to be most comfortable.

Applicant respectfully urges that Jaskiewicz does not disclose or suggest a glove with a *protective material with hook fasteners on a first side and loop fasteners on a second surface*, as claimed by Applicant. Jaskiewicz discloses multiple air pockets with hook fastener on only one side. The side that attaches to the air pockets in a single layer to a palm of a glove using Velcro. There is no teaching or suggestion in Jaskiewicz of attaching air pockets one on top of the other. Further, the air pockets do not provide a flat second surface for each to attach to, thus the Jaskiewicz reference teaches away from using a plurality of layers of pockets.

Furthermore, the Examiner states at page 2 of the Office Action that Jaskiewicz discloses "one or more air cushions at a given location on the palm, col. 4, lines 66-68." Applicant respectfully notes that column 4, lines 66-68, actually states "a novel and effective glove employing one or more air or gaseous cushions on the palm thereof for the absorbing of shocks and impacts encountered in a wide variety of sporting and industrial activities." (emphasis added) Thus, Jaskiewicz merely discloses having more than one air cushions on the palm, such as shown in Jaskiewicz's Figures 5 and 6. There is no disclosure in Jaskiewicz that one air cushion can attach to a second air cushion and then to the base layer to produce two layers attached to each other and then to the base layer, as claimed by Applicant. Furthermore, a person would not be motivated to stack the air pockets because there is only Velcro attachment on one side of the air pocket. Additionally, the air pocket creates a bubble and not a flat surface on the second surface. The bubble in the air pocket teaches away from Applicant's invention because non-flat surfaces are hard to stack.

Applicant respectfully notes that Jaskiewicz, at col. 5, lines 11-15, states: “Further, the air compartments can be maintained at predetermined temperatures without the necessity for continuously buying new gloves such as would be the case with gloves having padding or gel in the palm thereof.” (emphasis added) This statement in Jaskiewicz teaches away from Applicant’s invention because it specifically states not using padding.

Accordingly, Applicant respectfully urges that Jaskiewicz is legally insufficient to make obvious the presently claimed invention under 35 U.S.C. § 103 because of the absence of the Applicant’s claimed novel *the plurality of layers being arranged relative to the base layer to provide a selected number of protective layers to selected locations that correspond to the injury to the median nerve, the user’s thumb, or bones or joints covered by the glove, the protective layers being configured to fasten to the base layer and to one another to provide at a given selected location the protection of a desired number of layers and to provide at any other selected locations as needed the protection of the same or a different number of layers.*

All independent claims are believed to be in condition for allowance.

All dependent claims are believed to be dependent from allowable independent claims, and therefore in condition for allowance.

Favorable action is respectfully solicited.

Please charge any fee occasioned by this paper to our Deposit Account
No. 03-1237.

Respectfully submitted,

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